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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-sixth session
Agenda item 6

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Mr. Bengoa, Mr. Bossuyt, Ms. Chavez, Mr. El-Hajjé, Mrs. Forero Ucros, Mr. Decaux, Mr. Fix Zamudio, Mr. Maxim, Mrs. Palley, Mr. Ramadhane and Mrs. Warzazi: draft resolution

Situation of human rights in Haiti

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that all Member States have the obligation to promote human rights and to fulfil the obligations they have undertaken under the various instruments in this field,

Recalling the resolutions on the situation in Haiti adopted by the competent bodies of the United Nations and the Organization of American States since the events of 30 September 1991, in particular General Assembly resolution 47/143 of 18 December 1992, Commission on Human Rights

resolutions 1993/68 of 10 March 1993 and 1994/80 of 9 March 1994 and Sub-Commission resolutions 1992/16 of 27 August 1992 and 1993/18 of 20 August 1993, as well as the relevant resolutions of the Permanent Council of the Organization of American States and the General Assembly of that organization,

Having in mind the report (E/CN.4/1994/55) on the situation in Haiti prepared by the Special Rapporteur of the Commission on Human Rights, Mr. Marco Tulio Bruni Celli, in which he reports numerous violations of the right to life, security of person, freedom of expression, freedom of association and freedom of movement in that country,

Deeply concerned about the grave events in Haiti since 29 September 1991, which abruptly and violently interrupted the democratic process in that country and have resulted in the loss of human lives and violations of human rights,

Concerned at the mass exodus of Haitian nationals fleeing the country because of the steadily deteriorating political and economic situation since 29 September 1991,

Deeply alarmed at the persistence and worsening of violations of human rights, in particular, summary and arbitrary executions, involuntary disappearances, reports of the torture and rape of women and children, which have increased dramatically since 1993, arbitrary arrests and detentions, denial of freedom of expression, assembly and association, and the grave deterioration of the political, economic and social situation in the country,

Concerned about the expulsion, on 11 July 1994, by the de facto Haitian authorities of the International Civilian Mission of Observers of the United Nations and of the Organization of American States,

Taking into account the signature by all parties of the Governors Island Agreement of 3 July 1993 and the New York Pact of 16 July 1993,

Taking note of Security Council resolution 940 (1994) of 31 July 1994,

Observing that the de facto regime in Haiti has not implemented those agreements and has not fulfilled its obligations under the resolutions adopted by the United Nations Security Council,

Aware of the urgent need to keep a close watch on the situation of human rights in Haiti,

1. Once again strongly condemns the overthrow of the constitutionally elected President, Mr. Jean-Bertrand Aristide, and the use of violence and military coercion, and the deterioration of the situation of human rights in that country;

2. Expresses its conviction that the full implementation of the Governors Island Agreement by all parties is the only valid framework for resolving the crisis in Haiti and guaranteeing the constitutional order, in order to achieve an improvement in the human rights situation in the country, and that the refusal by the Haitian military to implement this Agreement has led to a deterioration of the human rights situation;

3. Expresses its deep concern about the considerable worsening of the human rights situation in Haiti since the coup d'état in September 1991 and the resulting increase in violations of the human rights embodied in the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the American Convention on Human Rights and other international human rights instruments;

4. Again condemns the human rights situation, in particular since mid-1993, characterized by deaths, disappearances and assassinations, persecution, arbitrary arrests, torture, rape, improper demands by members of the armed forces for payment by citizens, abandonment of legislative programmes, the reappearance of the section chiefs, the banning of demonstrations and police repression of all acts of protest against the military authorities, as well as the grave deterioration of the political, economic and social situation in the country;

5. Draws the attention of the members of the international community to the fate of the Haitian nationals who are fleeing their country and requests their support for the efforts being made to assist them, inter alia, by considering possibilities of offering them temporary asylum;

6. Greatly hopes that the International Civilian Mission of Observers of the United Nations and of the Organization of American States will very soon be able to resume its work in Haiti, thus helping to prevent the perpetuation of certain human rights violations;

7. Welcomes with satisfaction the Security Council decision providing, in the context of the measures adopted under the Governors Island Agreement, for the deployment of the United Nations Mission in Haiti with the objective of cooperating with the lawful authorities for the professionalization of the army, the creation of a separate police force and the setting up of the necessary structures to guarantee the country a climate for the establishment of democracy;

8. Requests the Secretary-General of the United Nations to take any initiatives which may lead to a prompt solution to the crisis, particularly those which will peacefully re-establish constitutional order in the country, allow the constitutional President of the Republic, Jean-Bertrand Aristide, to return to Haiti and thus guarantee human rights;

9. Calls upon the States Members of the United Nations and other international organizations to intensify their humanitarian assistance to the people of Haiti, support all the efforts made to solve the problems of displaced persons and encourage the strengthening of the institutional coordination between the specialized agencies of the United Nations and between the United Nations and the Organization of American States;

10. Expresses the hope that the good offices mission being prepared by a group of Latin American countries will be successful;

11. Decides to continue its consideration of the situation of human rights in Haiti at its forty-seventh session, under agenda item 6.

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